



UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

October 2023 Grand Jury

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
GABRIEL DAVID GUERRERO,  
Defendant.

**CASE NUMBER**

I N D I C T M E N T

[26 U.S.C. § 7201: Attempt to Evade and Defeat the Payment of Tax; 26 U.S.C. § 7212(a): Endeavoring to Obstruct and Impede the Administration of the Internal Revenue Laws]

The Grand Jury charges:

COUNT ONE

[26 U.S.C. § 7201]

A. INTRODUCTORY ALLEGATIONS

At times relevant to this Indictment:

Defendant GUERRERO and Warrior Enterprises, Inc.

1. Defendant GABRIEL DAVID GUERRERO resided in Los Angeles County, within the Central District of California, and was married.

2. Defendant GUERRERO was a commercial real estate agent based in Los Angeles County who earned income through, among

1 other ways, commissions on the purchase and sale of commercial  
2 properties.

3       3. In February 2016, defendant GUERRERO incorporated  
4 Warrior Enterprises, Inc. ("Warrior Enterprises"), in the state  
5 of California. Defendant GUERRERO listed himself as chief  
6 executive officer, chief financial officer, secretary, agent,  
7 and sole director of Warrior Enterprises on documents submitted  
8 in March 2016 to the California Secretary of State.

9       4. Defendant GUERRERO opened the following bank accounts  
10 in the name of Warrior Enterprises:

11           a. A City National Bank account in or around  
12 February 2016 (the "Warrior Enterprises City National Bank  
13 Account");

14           b. A Comerica Bank account in or around March 2016  
15 (the "Warrior Enterprises Comerica Bank Account"); and

16           c. A U.S. Bank account in or around May 2017 (the  
17 "Warrior Enterprises U.S. Bank Account," collectively the  
18 "Warrior Enterprises Bank Accounts").

19           Definitions

20       5. The Internal Revenue Service ("IRS") was an agency of  
21 the United States Department of the Treasury responsible for  
22 administering the tax laws of the United States and collecting  
23 taxes owed to the United States.

24       6. IRS Form 1040, U.S. Individual Income Tax Return,  
25 ("Form 1040") was a form used by U.S. taxpayers to file annual  
26 income tax returns.

27       7. A substitute for return ("SFR") was a tax return that  
28 the IRS prepared for a taxpayer who was required by law to file

1 a return but did not do so. The IRS prepared SFRs based on  
2 information received from taxpayers' employers, banks, and other  
3 sources of income and payment.

4       8. When the IRS was aware that an individual owed taxes,  
5 the IRS could send notices of the overdue tax amount to the  
6 individual. The IRS could also place liens or levies on the  
7 individual's assets to secure payment.

8       9. A lien was a legal claim against a property that  
9 prevented the individual from selling the property until the  
10 lien had been released.

11      10. A levy permitted the legal seizure of an individual's  
12 property to satisfy a tax debt and could be used to garnish  
13 wages or commissions, take money from financial accounts, and  
14 seize and sell assets. When the IRS issued a levy, it sent a  
15 notice of the levy (IRS Form 668-A) to the individual listing  
16 the tax owed for each tax year and the name of the party or  
17 institution to whom the levy was issued.

18      11. IRS Form 433-A (Collection Information Statement for  
19 Wage Earners and Self-Employed Individuals) was used by the IRS  
20 to obtain current financial information necessary for  
21 determining how a wage earner or self-employed individual could  
22 satisfy an outstanding tax liability.

23      12. A cashier's check was a negotiable instrument issued  
24 by a bank and directly drawn on the bank's funds.

25           IRS Tax Assessments and Collection Efforts

26      13. Defendant GUERRERO failed to file his individual  
27 income tax returns for tax years 1989, 1990, and 1991, and as to  
28 those years the IRS prepared SFRs and assessed defendant

1 GUERRERO \$9,215 in tax owed. Defendant GUERRERO did not pay  
2 those taxes, and as a result, the IRS filed a tax lien  
3 concerning his 1989, 1990, and 1991 tax liabilities in September  
4 1995.

5       14. Defendant GUERRERO failed to timely file Forms 1040  
6 for tax years 1998 through 2013.

7       15. The IRS prepared SFRs for defendant GUERRERO for tax  
8 years 1998, 1999, and 2001 through 2004.

9       16. Although, as referenced below, defendant GUERRERO  
10 late-filed Forms 1040 for 2002 through 2013, he did not file  
11 Forms 1040 for 1998, 1999, and 2001, and he did not contest the  
12 amounts of tax that he owed as reported on the SFRs filed by the  
13 IRS for tax years 1998 or 1999.

14       17. On or about September 21, 2006, defendant GUERRERO  
15 agreed that he owed \$55,296.87 in tax to the United States for  
16 tax year 2001, and he was ordered to pay that amount by the  
17 United States Tax Court in Gabriel D. Guerrero v. Commissioner  
18 of Internal Revenue, Case No. 11110-05. (Docket No. 8).

19       18. On or about April 16, 2014, defendant GUERRERO late-  
20 filed Forms 1040 for the years 2002 through 2013. On these tax  
21 returns, which defendant GUERRERO signed under penalty of  
22 perjury, he reported that he owed income tax totaling  
23 \$205,699.93 for those years. Specifically, defendant GUERRERO  
24 reported that he owed the following amounts of tax (not  
25 including interest and penalties), none of which defendant  
26 GUERRERO had paid at the time of the late filing:

<b>Tax Year</b>	<b>Taxes Owed as Reported by Defendant GUERRERO on Late-Filed Form 1040</b>
2002	\$11,188.00
2003	\$16,985.00
2004	\$30,232.00
2005	\$12,313.00
2006	\$0.00
2007	\$0.00
2008	\$0.00
2009	\$0.00
2010	\$0.00
2011	\$0.00
2012	\$35,131.00
2013	\$29,283.00
<b>TOTAL</b>	<b>\$205,699.93</b>

19. From at least in or around October 2013 through in or  
 20 around March 2017, the IRS attempted to collect defendant  
 21 GUERRERO's outstanding taxes for the years 1998, 1999, 2001  
 22 through 2005, 2012, and 2013, by, among other means, issuing  
 23 levies to bank accounts that defendant GUERREO used, title  
 24 companies, brokers with whom defendant GUERRERO worked, and  
 25 other entities. The IRS sent defendant GUERRERO notices of the  
 26 levies it issued, which indicated the parties and institutions  
 27 to whom the levies were issued and the tax that defendant  
 28 GUERRERO owed for each tax year. Those levies resulted in the  
 collection of only approximately \$770.64 toward defendant  
 GUERRERO's outstanding tax liabilities. During the same period

1 as the IRS collection efforts, defendant GUERRERO earned more  
 2 than \$995,000 in commissions as a commercial real estate agent.

3       20. After defendant GUERRERO late filed his 2002 through  
 4 2013 tax returns, on or about July 29, 2014, an IRS revenue  
 5 officer informed defendant GUERRERO's representative that  
 6 defendant GUERRERO owed more than \$325,000 in taxes for tax  
 7 years 1998, 1999, 2001 through 2005, 2012, and 2013.

8       21. On or about September 29, 2015, the IRS sent a letter  
 9 (IRS Letter 728-A) to defendant GUERRERO stating that defendant  
 10 GUERRERO owed \$344,307.77, including taxes, penalties, and  
 11 interest, as reflected in the following table:

Tax Period	Unpaid Tax Amount from Prior Notices	Additional Penalties	Additional Interest	Total Amount Owed
1998	\$9,776.42	\$0.00	\$271.27	\$10,047.69
1999	\$7,052.47	\$0.00	\$195.68	\$7,248.15
2001	\$100,517.51	\$0.00	\$2,789.03	\$103,306.54
2002	\$28,044.27	\$0.00	\$778.14	\$28,822.41
2003	\$40,195.46	\$0.00	\$1,115.29	\$41,310.75
2004	\$53,844.46	\$0.00	\$1,494.00	\$55,338.46
2005	\$8,339.84	\$0.00	\$335.35	\$8,675.19
2012	\$47,085.19	\$5,094.00	\$1,894.66	\$54,073.85
2013	\$30,073.79	\$4,200.80	\$1,210.14	\$35,484.73
<b>TOTAL</b>				<b>\$344,307.77</b>

22       22. On or about April 13, 2016, the IRS faxed a letter  
 23 (IRS Letter 728-A) to defendant GUERRERO's representative  
 24 stating that defendant GUERRERO owed \$353,208.87, including  
 25  
 26  
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1 taxes, penalties, and interest, as reflected in the following  
 2 table:

Tax Period	Unpaid Tax Amount from Prior Notices	Additional Penalties	Additional Interest	Total Amount Owed
1998	\$10,079.12	\$0.00	\$138.74	\$10,217.86
1999	\$7,270.82	\$0.00	\$100.07	\$7,370.89
2001	\$103,629.69	\$0.00	\$1,426.42	\$105,056.11
2002	\$28,912.56	\$0.00	\$397.96	\$29,310.52
2003	\$41,439.97	\$0.00	\$570.40	\$42,010.37
2004	\$55,511.56	\$0.00	\$764.08	\$56,275.64
2005	\$8,702.33	\$0.00	\$119.78	\$8,822.11
2012	\$54,929.68	\$351.31	\$756.08	\$56,037.07
2013	\$36,162.00	\$1,448.55	\$497.75	\$38,108.30
<b>TOTAL</b>				\$353,208.87

16           23. From in or around March 2005 through in or around  
 17 October 2017, the IRS sent defendant GUERRERO approximately 82  
 18 notices relating to his unpaid individual income taxes he owed  
 19 for tax years 1998, 1999, 2001 through 2005, 2012, and 2013.  
 20 From in or around March 2007 through in or around June 2016, the  
 21 IRS additionally issued approximately 66 levies and filed 4 tax  
 22 liens relating to defendant GUERRERO's unpaid individual income  
 23 taxes he owed for tax years 1998, 1999, 2001 through 2005, 2012,  
 24 and 2013.

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1       B.     EVASION OF PAYMENT OF TAXES

2           24. From at least in or around October 2013 through at  
3           least in or around November 2017, in Los Angeles County, within  
4           the Central District of California and elsewhere, defendant  
5           GUERRERO willfully attempted to evade and defeat the payment of  
6           income tax due and owing to the United States for tax years  
7           1998, 1999, 2001, 2002, 2003, 2004, 2005, 2012, and 2013, by  
8           committing the following affirmative acts, among others:

9           a.     From at least in or around January 2014 through  
10          in or around July 2016, defendant GUERRERO directed brokers and  
11          others who paid him commissions to break up those commission  
12          payments into multiple, lower-denominated checks instead of  
13          paying him in lump-sum direct deposits -- the manner by which he  
14          had received commissions prior to the start of the IRS's  
15          collection efforts in 2013. Defendant GUERRERO held many of  
16          these commission checks until he needed funds to pay personal  
17          expenses, thereby limiting the amount of funds deposited into  
18          his bank accounts that the IRS could levy and apply toward  
19          defendant GUERRERO's outstanding tax liabilities;

20           b.     From at least in or around January 2014 through  
21          in or around July 2016, defendant GUERRERO used his commission  
22          payments to purchase cashier's checks from the bank accounts he  
23          used or controlled and structured his use of the cashier's  
24          checks to prevent the IRS from obtaining the money he owed.  
25          Defendant GUERRERO made, or caused to be made, the cashier's  
26          checks payable to himself or Warrior Enterprises and held the  
27          cashier's checks outside of his bank accounts, often for months,  
28          depositing the cashier's checks into the bank accounts when he

needed funds to pay personal expenses. By doing so, defendant GUERRERO limited the amount of funds in his bank accounts that the IRS could have levied to satisfy his outstanding tax liabilities. In total, defendant GUERRERO purchased, and caused to be purchased, approximately 35 cashier's checks totaling approximately \$615,000 between at least in or around January 31, 2014, and in or around June 22, 2016. Examples of such affirmative acts of evasion include, but are not limited to:

i. On or about January 31, 2014, defendant GUERRERO used a \$27,000 commission check issued to him on that same date to purchase a \$20,000 cashier's check made payable to himself.

ii. On or about April 15, 2014, defendant GUERRERO used three commission checks, each in the amount of \$30,000, issued to him on or about January 31, 2014, to purchase a \$90,000 cashier's check made payable to himself.

iii. On or about July 25, 2014, defendant GUERRERO deposited the aforementioned \$90,000 cashier's check into a Wells Fargo Bank account on which his parents were the primary account holders ("his parents' Wells Fargo Bank Account"). On or about July 26, 2014, using the recently deposited proceeds from the \$90,000 cashier's check, defendant GUERRERO purchased four cashier's checks from his parents' Wells Fargo Bank Account worth approximately \$60,000 and made payable to himself.

c. From at least in or around October 2013 through in or around August 2015, defendant GUERRERO used his parents' Wells Fargo Bank Account to deposit his commission income and

1 other funds and purchase cashier's checks that he retained and  
2 kept out of bank accounts until he needed funds to pay personal  
3 expenses;

4 d. Defendant GUERRERO used the Warrior Enterprises'  
5 Bank Accounts to conceal his income and other funds from the  
6 IRS. For example:

7 i. From at least in or around February 2016  
8 through in or around July 2016, defendant GUERRERO used the  
9 Warrior Enterprises City National Bank Account and the Warrior  
10 Enterprises Comerica Bank Account to conceal his income from the  
11 IRS by (1) depositing into the bank accounts cashier's checks  
12 that he had purchased with the proceeds from his commission  
13 checks; and (2) directing a broker, and others, to divide his  
14 commission payments into multiple checks made payable to Warrior  
15 Enterprises.

16 ii. In or around May 2017, defendant GUERRERO  
17 directed that a \$35,000 commission payment be wired to the  
18 Warrior Enterprises U.S. Bank Account.

19 e. On or about December 5, 2014, during the course  
20 of the IRS's collection efforts, defendant GUERRERO prepared and  
21 caused to be prepared, submitted and caused to be submitted to  
22 the IRS, a false Form 433-A, which he signed under penalties of  
23 perjury. The Form 433-A was false in that it (1) significantly  
24 underreported defendant GUERRERO's monthly gross income and  
25 (2) failed to disclose his parents' Wells Fargo Bank Account,  
26 into which he deposited his real estate income;

27 f. From at least in or around December 2014 through  
28 about December 2016, defendant GUERRERO arranged with Real

1 Estate Broker 1 to receive advance payments of defendant  
2 GUERRERO's anticipated commission payments, which he in turn  
3 used to pay his personal expenses. Defendant GUERRERO  
4 orchestrated this means of receiving income to avoid money being  
5 paid directly to him as commission payments upon closing of real  
6 estate transactions.

7 g. From at least as early as in or around  
8 December 2014 and continuing through in or around December 2016,  
9 defendant GUERRERO arranged to have Real Estate Broker 1 pay  
10 defendant GUERRERO's expenses, including tuition for his  
11 children's schooling, and provide defendant GUERRERO with a  
12 credit card for his use. The expenses paid on defendant  
13 GUERRERO's behalf were deducted from defendant GUERRERO's  
14 commission payments at the closing of his real estate  
15 transactions, thereby concealing from the IRS the true amount of  
16 his commission payments from those transactions and ensuring  
17 that defendant GUERRERO never himself possessed the funds used  
18 to pay for those expenses; and

19 h. Throughout the course of the IRS's collection  
20 efforts, from in or around October 2013 through at least in or  
21 around November 2017, defendant GUERRERO dealt extensively in  
22 cash and cashier's checks, withdrawing significant cash funds  
23 from bank accounts to which he had access, both in person and  
24 via ATMs and additionally converting checks directly to cash.

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1 COUNT TWO

2 [26 U.S.C. § 7212(a)]

3 25. The Grand Jury hereby re-alleges paragraphs 1 through  
4 23 of this Indictment here.

5 26. From at least in or around October 2013 through at  
6 least in or around November 2017, in Los Angeles County, within  
7 the Central District of California and elsewhere, defendant  
8 GUERRERO, knowing of and reasonably foreseeing the IRS  
9 collections proceedings described in paragraph 19, corruptly  
10 obstructed and impeded, and corruptly endeavored to obstruct and  
11 impede, the due administration of the internal revenue laws of  
12 the United States, that is, the IRS's efforts to collect his  
13 outstanding 1998, 1999, 2001 through 2005, 2012, and 2013 tax  
14 liabilities, by committing and causing to be committed various  
15 acts, each such act having a nexus to the IRS collections  
16 proceedings, including, but not limited to, the following:

17 a. From at least in or around January 2014 through  
18 in or around July 2016, defendant GUERRERO directed brokers and  
19 others who paid him commissions to break up those commission  
20 payments into multiple, lower-denominated checks instead of  
21 paying him in lump-sum direct deposits -- the manner by which he  
22 had received commissions prior to the start of the IRS's  
23 collection efforts in 2013. Defendant GUERRERO held many of  
24 these commission checks until he needed funds to pay personal  
25 expenses, thereby limiting the amount of funds deposited into  
26 his bank accounts that the IRS could levy and apply toward  
27 defendant GUERRERO's outstanding tax liabilities;

28 b. From at least in or around January 2014 through

1 in or around July 2016, defendant GUERRERO used his commission  
2 payments to purchase cashier's checks from the bank accounts he  
3 used or controlled and structured his use of the cashier's  
4 checks to prevent the IRS from obtaining the money he owed.  
5 Defendant GUERRERO made, or caused to be made, the cashier's  
6 checks payable to himself or Warrior Enterprises and held the  
7 cashier's checks outside of his bank accounts, often for months,  
8 depositing the cashier's checks into the bank accounts when he  
9 needed funds to pay personal expenses. By doing so, defendant  
10 GUERRERO limited the amount of funds in his bank accounts that  
11 the IRS could have levied to satisfy his outstanding tax  
12 liabilities. In total, defendant GUERRERO purchased, and caused  
13 to be purchased, approximately 35 cashier's checks totaling  
14 approximately \$615,000 between at least in or around January 31,  
15 2014, and in or around June 22, 2016. Examples of such  
16 affirmative acts of evasion include, but are not limited to:

17                   i. On or about January 31, 2014, defendant  
18 GUERRERO used a \$27,000 commission check issued to him on that  
19 same date to purchase a \$20,000 cashier's check made payable to  
20 himself.

21                   ii. On or about April 15, 2014, defendant  
22 GUERRERO used three commission checks, each in the amount of  
23 \$30,000, issued to him on or about January 31, 2014, to purchase  
24 a \$90,000 cashier's check made payable to himself.

25                   iii. On or about July 25, 2014, defendant  
26 GUERRERO deposited the aforementioned \$90,000 cashier's check  
27 into a Wells Fargo Bank account on which his parents were the  
28 primary account holders ("his parents' Wells Fargo Bank

1 Account"). On or about July 26, 2014, using the recently  
2 deposited proceeds from the \$90,000 cashier's check, defendant  
3 GUERRERO purchased four cashier's checks from his parents' Wells  
4 Fargo Bank Account worth approximately \$60,000 and made payable  
5 to himself.

6 c. From at least in or around October 2013 through  
7 in or around August 2015, defendant GUERRERO used his parents'  
8 Wells Fargo Bank Account to deposit his commission income and  
9 other funds and purchase cashier's checks that he retained and  
10 kept out of bank accounts until he needed funds to pay personal  
11 expenses;

12 d. Defendant GUERRERO used the Warrior Enterprises'  
13 Bank Accounts to conceal his income and other funds from the  
14 IRS. For example:

15 i. From at least in or around February 2016  
16 through in or around July 2016, defendant GUERRERO used the  
17 Warrior Enterprises City National Bank Account and the Warrior  
18 Enterprises Comerica Bank Account to conceal his income from the  
19 IRS by (1) depositing into the bank accounts cashier's checks  
20 that he had purchased with the proceeds from his commission  
21 checks; and (2) directing a broker, and others, to divide his  
22 commission payments into multiple checks made payable to Warrior  
23 Enterprises.

24 ii. In or around May 2017, defendant GUERRERO  
25 directed that a \$35,000 commission payment be wired to the  
26 Warrior Enterprises U.S. Bank Account.

27 e. On or about December 5, 2014, during the course  
28 of the IRS's collection efforts, defendant GUERRERO prepared and

1 caused to be prepared, submitted and caused to be submitted to  
2 the IRS, a false Form 433-A, which he signed under penalties of  
3 perjury. The Form 433-A was false in that it (1) significantly  
4 underreported defendant GUERRERO's monthly gross income and  
5 (2) failed to disclose his parents' Wells Fargo Bank Account,  
6 into which he deposited his real estate income;

7 f. From at least in or around December 2014 through  
8 about December 2016, defendant GUERRERO arranged with Real  
9 Estate Broker 1 to receive advance payments of defendant  
10 GUERRERO's anticipated commission payments, which he in turn  
11 used to pay his personal expenses. Defendant GUERRERO  
12 orchestrated this means of receiving income to avoid money being  
13 paid directly to him as commission payments upon closing of real  
14 estate transactions.

15 g. From at least as early as in or around  
16 December 2014 and continuing through in or around December 2016,  
17 defendant GUERRERO arranged to have Real Estate Broker 1 pay  
18 defendant GUERRERO's expenses, including tuition for his  
19 children's schooling, and provide defendant GUERRERO with a  
20 credit card for his use. The expenses paid on defendant  
21 GUERRERO's behalf were deducted from defendant GUERRERO's  
22 commission payments at the closing of his real estate  
23 transactions, thereby concealing from the IRS the true amount of  
24 his commission payments from those transactions and ensuring  
25 that defendant GUERRERO never himself possessed the funds used  
26 to pay for those expenses; and

27 h. Throughout the course of the IRS's collection  
28 efforts, from in or around October 2013 through at least in or

1 around November 2017, defendant GUERRERO dealt extensively in  
2 cash and cashier's checks, withdrawing significant cash funds  
3 from bank accounts to which he had access, both in person and  
4 via ATMs and additionally converting checks directly to cash.

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27. When he took the above actions described in paragraphs 26(a) through 26(h), inclusive, defendant GUERRERO knew about the IRS collection action described in paragraph 19, including the amounts that he owed according to IRS notices and the levies that the IRS issued.

A TRUE BILL

/S/  
Foreperson

E. MARTIN ESTRADA  
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